

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:05cr74

UNITED STATES OF AMERICA)
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)
)
vs.) O R D E R
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MARION COX)
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THIS MATTER is before the Court on the defendant's Motion for Reconsideration
(Doc. No. 20) filed pro se on August 18, 2005.

In the motion, the defendant asks the Court to vacate the jury's guilty verdict based on allegations of ineffective assistance of counsel. Such a claim is not cognizable at this stage in the proceedings because the defendant has not yet been sentenced. United States v. Richardson, 195 F.3d 192, 198 (4th Cir. 1999) (claim of ineffective assistance of counsel should be raised under 28 U.S.C. § 2255 (motion to vacate sentence)).

IT IS, THEREFORE, ORDERED, that the defendant's pro se motion DENIED without prejudice to be pursued at the appropriate time.

The Clerk is directed to certify copies of this order to the defendant, counsel for the defendant, and to the United States Attorney.

Signed: November 8, 2005

Robert J. Conrad Jr.

Robert J. Conrad, Jr.
United States District Judge

